

PUBLIC NOTICE STATEMENT

Notice of submittal to the U.S. Environmental Protection Agency (EPA) and a request for public comment on the State of North Dakota's draft 2014 Section 303(d) List of Waters Needing Total Maximum Daily Loads (TMDLs).

1. Summary

Section 303(d) of the Clean Water Act (CWA) and its accompanying regulations (CFR Part 130 Section 7) requires each state to identify waterbodies (i.e., lakes, reservoirs, rivers, streams, and wetlands) which are considered water quality limited and require load allocations, waste load allocations, or total maximum daily loads. A waterbody is considered water quality limited when it is known that its water quality does not meet applicable water quality standards or is not expected to meet applicable water quality standards. Waterbodies can be water quality limited due to point sources of pollution, nonpoint sources of pollution, or both.

Section 303(d) of the Clean Water Act requires states to submit their lists of water quality limited waterbodies "from time to time." Federal regulations have clarified this language, therefore, beginning in 1992 and by April 1st of every even numbered year thereafter, states were required to submit a revised list of waters needing TMDLs. This list has become known as the "TMDL list" or "Section 303(d) list." The state of North Dakota last submitted its TMDL list to EPA on May 22, 2012. This list, referred to as the "2012 list" was approved by EPA on October 29, 2012. The draft 2014 Section 303(d) list, which will be submitted to EPA as part of the integrated Section 305(b) water quality assessment report and Section 303(d) TMDL list, includes a list of waterbodies not meeting water quality standards and which need TMDLs, and a list of waterbodies which have been removed from the "2012 list."

Following an opportunity for public comment, the state must submit its list to the EPA Regional Administrator. The EPA Regional Administrator then has 30 days to either approve or disapprove the state's listings. The purpose of this notice is to solicit public comment on the draft "2014 list" prior to formally submitting the list to the EPA Regional Administrator.

2. Public Comments

Persons wishing to comment on the State's draft 2014 Section 303(d) List of Waters Needing TMDLs may do so, in writing, within thirty (30) days of the date of this public notice. Comments must be received within this 30-day period to ensure consideration in the EPA approval or disapproval decision. All comments should include the name, address and telephone number of the person submitting comments, and a statement of the relevant facts upon which they are based. All comments should be submitted to the attention of the Section 303(d) TMDL Coordinator, North Dakota Department of Health, Division of Water Quality, 918 East Divide Avenue, 4th Floor, Bismarck, ND 58501 or by email at mell@nd.gov. The 2014 Section 303(d) TMDL list may be reviewed at the above address during normal business hours or by accessing it through the Department's web address (<http://www.ndhealth.gov>). Copies may also be requested by writing to the Department at the above address or by calling 701.328.5210.